

REMARKS/ARGUMENTS

Reconsideration and allowance of the subject application is respectfully requested for at least the reasons set forth below.

Upon entry of the above amendments, claims 1-4, 7-10, 12, 14-20, 22-25, 27-31 and new claims 34-42, will be pending.

The dependency of claim 14 is corrected to claim 8. Accordingly, the Objection to claim 14 is avoided.

Also, the dependency of claim 20 is corrected to claim 19.

The following comments apply to the rejections under 35 U.S.C. § 112, second paragraph, in paragraphs 2-5 of the outstanding Office Action..

Reconsideration of the rejection of claim 18, is respectfully requested. Claim 18 depends from claim 8 and further defines the frame which is referenced in claim 8. In particular, claim 8 at line 1 refers to "a substantially unitary frame." Accordingly, claim 18 is not indefinite and reconsideration of this rejection is respectfully requested.

Reconsideration of the rejection of claim 17, as amended, is respectfully requested. Claim 17 now recites that at least one side of the gasket is planar, therefore providing antecedent basis for the "plane" of the gasket. Support for the amendment is found at least in Fig. 11.

Accordingly, withdrawal of this ground for rejection is respectfully requested.

Reconsideration of the rejection of claims 21 and 22 is respectfully requested. Although claim 21 is now cancelled, and claim 22 is amended to depend from claim 1, claim 1 is itself amended to recite that the frame is substantially square or rectangular. As seen in Figures 9 and 10, for example, the frame is substantially square or rectangular, notwithstanding the convex and continuously curved peripheral edge.

Accordingly, reconsideration of this rejection is respectfully requested.

Before considering the prior art rejections, the amendments to the pending claims and the presentation of new claims, all drafted to more particular define the subject matter which Applicants consider to be their invention, will be briefly discussed.

In addition to the "substantially square or rectangular" form of the unitary frame, claim 1 (and also each of the other independent claims 8, 19, 32, 33 and 36)

recites that the frame comprises a plasticized resin. Support for this limitation can be found, for example, in previous claim 26.

Claim 1 and independent claims 8, 19, 32, 33 and 36, each recite that the chemically resistant liner is a fluorocarbon material. Support for this limitation may be found throughout the specification, for instance, page 25, last paragraph, page 32, lines 1-2.

As will be explained below, these amendments overcome all of the outstanding prior art rejections.

Newly presented claims 34-42 provide additional scope of protection of various embodiments of Applicants' invention.

Claim 34 is directed to a filterpress bipolar electrolyser which includes a gasket according to an embodiment of the invention and finds support throughout the specification and previous claims throughout the specification. It is noted, in this regard, that claim 34 follows the format of claim 24 of the issued parent patent, U.S. 6,761,808 ("US '808").

Claim 35 is directed to a method for refurbishing a filterpress bipolar electrolyser by providing a gasket according to an embodiment of the present invention and has basis throughout the specification. In this regard, claim 35 follows the format of, for example, claims 24 and 39 of US '808.

Claims 36 and 37 are directed to gaskets according to embodiments of the invention for sealing a separator between the flanges of adjacent anode and cathode electrode structures and find support throughout the specification and previous claims, including claims of US '808.

Claims 38-40 are directed to a gaskets according to embodiments of the invention for use in a module and have basis throughout the specification and previous claims, including claims of US '808.

Claims 41-42 are directed to a modular bipolar electrolyser which includes a gasket according to embodiments of the invention and find support throughout the specification and previous claims, including, for example, claim 43 of US '808.

Attention is now directed to the prior art rejections in paragraphs 7-16.

¶7 The insertion of the subject matter of claim 26 into independent claims 1, 8 and 19 and the further insertion of the fluorocarbon material of the liner, avoids the

rejection of claims 1, 3-4, 7-10, 12, 15-16, 18-19, 21-22 and 29-32, under 35 U.S.C. § 102(b), as anticipated by Jelinek, U.S. 4,026,565 (US '565)

¶18 The insertion of these same limitations into independent claims 1, 8 and 19, avoids the rejection of claims 1, 3, 7-10, 15, 18-19, 21, 23-25, under 35 U.S.C. § 102(e), as anticipated by Custer, U.S. 2,511,330 (US '330).

¶10 The insertion of the subject matter of claim 26 into the independent claims 1, 8 and 19, avoids the rejection of claims 1-4, 7-10, 12, 14, 15, 18-20 and 23-25, under 35 U.S.C. 103(a), as unpatentably obvious over Shaffer, U.S. 6,481,722 (US '722) in view of Breaker, U.S. 5,518,257 (US '257).

¶11 The cancellation of claims 26 and 33 avoids the rejection applied to claims 26, 28-31 and 33, under 35 U.S.C. § 103(a), as unpatentably obvious over Shaffer, US '722, and Breaker US '257, further in view of Foster, U.S. 5,240,766 (US '766).

¶12 The change of dependency of claim 27 to claim 1 avoids the rejection of this claim, under 35 U.S.C. § 103(a), as unpatentably obvious over Shaffer, US '722, and Breaker, US '257 and Foster, US '766.

¶13 The amendments to claim 8, as noted above, avoid the rejection of claims 8, 17, 21-22 and 32, as unpatentably obvious, under 35 U.S.C. § 103(a), over Forry, U.S. 6,093,467 (US '467).

¶14 The amendments to claim 8, from which claim 16 depends, avoids the rejection of claim 16, as unpatentably obvious, under 35 U.S.C. 103(a), over Custer, US '330 in view of Morris, U.S. 4,892,632.

¶15 The amendments to claim 8, also avoids the rejection of claim 16, as unpatentably obvious over Forry, US '467 and Beaker, US '257.

¶16 The amendments to claim 1, from which claims 2 and 14 depend, and the amendments to claim 19, from which claim 20 depends, avoids the rejection of claims 2, 14 and 20, under 35 U.S.C. § 103(a), as unpatentably obvious over Jelinek, US '565, in view of Breaker, US '257 (paragraph 16).

Since all of the outstanding grounds for rejection have been avoided by the current amendments, reconsideration and allowance of this application is believed to be in order.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

MAYER BROWN ROWE & MAW LLP

By: Richard A. Steinberg
Richard A. Steinberg
Registration No. 26,588
Direct No. (202) 263-3325

Paul L. Sharer
Registration No. 36,004
Direct No. (202) 263-3340

Intellectual Property Group
1909 K Street, N.W.
Washington, D.C. 20006-1101
(202) 263-3000 Telephone
(202) 263-3300 Facsimile

Date: February 17, 2006